

JEFFREY ALLEN PENNINGTON,

Plaintiff,

V.

WELLS FARGO BANK, N.A., et al.,

Defendants.

CIVIL ACTION NO. 5:14-CV-23 (MTT)

This matter is before the Court on pro se Plaintiff Jeffrey Allen Pennington's motion to proceed in forma pauperis (Doc. 2). Pursuant to 28 U.S.C. § 1915(a), a district court must determine whether the statements contained in a financial affidavit satisfy the requirement of poverty. *Martinez v. Kristi Cleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004). "[A]n affidavit will be held sufficient if it represents that the litigant, because of his poverty, is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." *Id.* Based on the Plaintiff's application, it is apparent he is unable to pay court fees and costs because of his poverty. Therefore, the Plaintiff's motion to proceed in forma pauperis is

GRANTED.

Because the Plaintiff is proceeding in forma pauperis, the Court is required to dismiss the case if it: (1) is frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). The Plaintiff's claims against the Defendants are for alleged trespass and theft of a note for the purchase of his property located at

4711 Greene Street, Philadelphia, Pennsylvania. The Plaintiff requests the return of the property and compensation for the alleged trespass in the amount of \$488,533.80. The Plaintiff further requests that this Court vacate the judgment in an Eastern District of Pennsylvania case involving the same Parties.

The Court has no authority to vacate the judgment entered by another district court. It is not clear whether the Court has subject matter jurisdiction over this case because the Plaintiff has not provided his legal residence to the Court. Even if the Court has subject matter jurisdiction, the Plaintiff has not alleged any facts to suggest that the Court may exercise personal jurisdiction over any of the Defendants or that venue is appropriate in this district. The Plaintiff further fails to allege any facts to substantiate either of his claims. Consequently, the Plaintiff's complaint (Doc. 1) is **DISMISSED without prejudice.**

SO ORDERED, this the 23rd day of January, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT